

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

RUSSELL, et al,  
Plaintiffs

v.

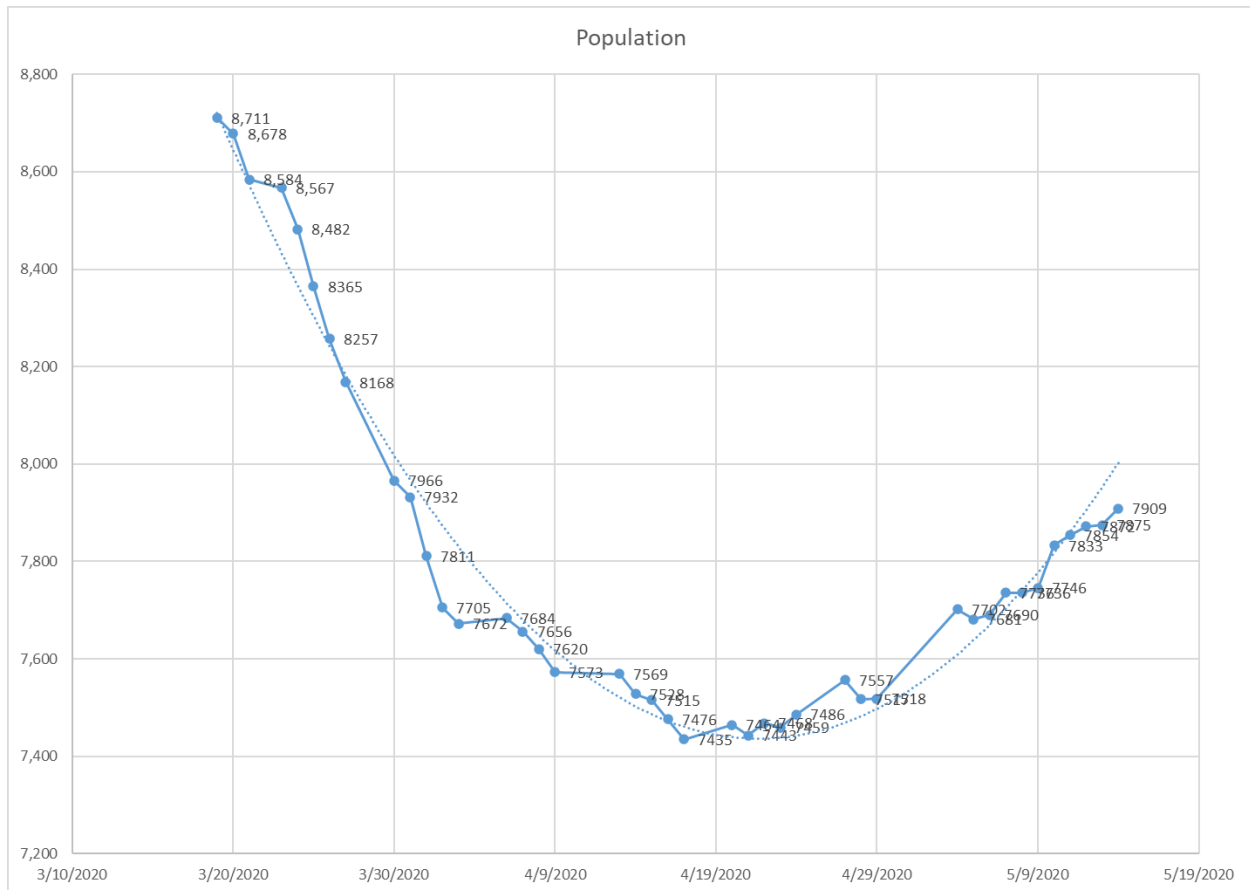
HARRIS COUNTY, TEXAS, et al,  
Defendants

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No. 4:19-cv-00226  
Hon. Lee H. Rosenthal  
U.S. District Judge

**REPORT OF SHERIFF ED GONZALEZ MAY 15, 2020**

The jail population grows.



A confluence of factors contributes to this trend.

First, the Texas Department of Corrections has not been accepting inmate transfers since March 23, 2020. In a typical week before the COVID crisis, the HCSO transferred, on average, between 80-100 inmates to the TDC. Because the TDC has its own COVID issues, no transfers are currently being made.

Second, felony courts are not moving their dockets as quickly as before the crisis. It is not simply that fewer pre-trial release bonds are being issued, though that is also true. The entire arrest-to-disposition process has slowed down. There are no jury trials, and this has a ripple effect on how defense counsel and prosecutors handle their cases. Compliance with CDC guidelines in the courthouses limits the availability of courtrooms for hearings. Inmates at the jail are not moving through the system, creating a logjam.

Another issue arose this week exacerbating the situation. A defendant from the jail who had previously tested positive for COVID-19, but had since recovered, was brought to the courthouse for a hearing. When the felony judge learned of the prior positive test, the defendant was banished from the courtroom. Word spread around the courthouse, leading to the issuance of several orders prohibiting the Sheriff from bringing any inmate who has tested positive for COVID-19. Attached to this report, as Exhibits 1, 2, and 3, are three such orders from the felony courts.

These new blanket orders provide no guidance for the several hundred inmates who have tested positive. What is to become of them if the felony courts refuse to handle their cases? Is COVID-19 to be a *de facto* life sentence? For now, at least, they languish in jail.

This Court has already expressed concern, not only about the crisis but also its powers to deal with it. The Sheriff does not yet ask the Court for any specific relief. The intent here is merely to inform. But make no mistake, the crisis is not over, and it may in fact be worsening at the jail.

Now, the numbers:

1. As of May 15, 2020, there were 6007 felony pre-trial detainees. The total jail population is 7909.
2. Of the original 426 detainees charged with non-violent offenses with no prior violent convictions, only 153 have been released.
3. Regarding the inmates:
  - 646 have tested positive; 544 tested negative.
  - 249 of those who tested positive have recovered, with 110 in recovery quarantine.
  - 19 are hospitalized.
4. Quarantine:

- 2793 in observational quarantine (no symptoms, but likely exposure).
- 601 in buffer quarantine (newly booked)
- 122 in surveillance quarantine (asymptomatic but tested positive).

5. Regarding the HSCO staff:

- 292 have tested positive, most of whom work in the jail.
- 338 are currently quarantined.

Respectfully submitted.

/s/ Murray Fogler

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ATTORNEYS FOR SHERIFF ED GONZALEZ

**CERTIFICATE OF SERVICE**

I certify that on May 15, 2020, a copy of this document was served on counsel of record via electronic filing in accordance with the USDC Southern District of Texas Procedures for Electronic Filing.

/s/ Murray Fogler

Murray Fogler